

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

Case No. 13-10118
(Chapter 11)

In re: _____

NORTHERN BEEF PACKERS
LIMITED PARTNERSHIP,
Tax ID/EIN: 26-2530200,

Debtor.

**STIPULATION BETWEEN WHITE OAK GLOBAL ADVISORS, LLC
AND SCOTT OLSON DIGGING, INC.
FOR PARTIAL RELEASE OF ESCROW FUNDS**

White Oak Global Advisors, LLC (“White Oak”) and Scott Olson Digging, Inc. (“Scott Olson”) by and through their respective attorneys of record, stipulate as follows:

1. White Oak filed a Motion for Approval of Settlements of Objections to White Oak’s Escrow Motion (“Motion”) (Doc. 735) on or about January 20, 2014.
2. A Stipulation between White Oak and Scott Olson (“Stipulation”) was attached to the Motion as Exhibit 2. The Stipulation contemplates, among other things, that White Oak deposit into a dedicated escrow account the sum of \$3,500,000.00 designated as the Olson Digging Escrow Payment (“Escrow”). (See paragraph 3 of the Stipulation.)

3. The purpose of the Escrow was to bond off Scott Olson's mechanic's lien from the real estate described in attached Exhibit A.

4. Ultimately, the Escrow was funded through a deposit into a Woods, Fuller, Shultz & Smith P.C. ("Woods Fuller") trust account maintained at Dacotah Bank in Sioux Falls, SD, in the amount of \$3.5 million. The account statement for October 15, 2014, is attached as Exhibit B.

5. The Court entered an Order Re: White Oak Global Advisors, LLC's Motion for Approval of Settlements of Certain Objections to White Oak's Escrow Motion (the "Order") (Doc. 770) on or about February 4, 2014.

6. The Order, among other things, specifically requires that any withdrawals from the Escrow be made only pursuant to an Order of the bankruptcy court.

7. The validity, priority and extent of Scott Olson's lien/claim was ultimately tried to the bankruptcy court in May of 2014.

8. The Court entered an Amended Decision re: Claim of Scott Olson Digging, Inc. (Doc. 328 in Adversary No. 13-1016) on or about September 22, 2014, holding that Scott Olson had a claim in the amount of \$ 205,104.07, but left open the issue of interest and attorney's fees pending additional proceedings. Subsequently, the Court held on November 6, 2014, that Scott Olson was entitled to pre-petition interest of \$109,014.22. Post-petition interest and attorney's fees remain before the Court.

9. Given the bankruptcy court's decisions, White Oak and Scott Olson agree that the sum of \$900,000.00 shall remain in the escrow and the balance of the funds in the

account may be distributed to White Oak. Woods Fuller is authorized to immediately wire the released funds to White Oak.

10. This partial release of Escrow funds only affects the rights of White Oak and Scott Olson and no other parties to the bankruptcy, including any pending adversaries.

11. This Stipulation is without prejudice to White Oak requesting additional escrow releases by stipulation or by motion and further does not waive any objections that Scott Olson might ultimately have to such future requests.

WHITE OAK GLOBAL ADVISORS, LLC

WOODS, FULLER, SHULTZ & SMITH P.C.

Dated: November 18th, 2014

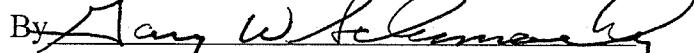
By 
Roger W. Damgaard (#340)
300 South Phillips Avenue, Suite 300
Post Office Box 5027
Sioux Falls, South Dakota 57117-5027
Telephone (605) 336-3890
Fax No. (605) 339-3357
E-mail: Roger.Damgaard@woodsfuller.com

and

Stephen Richard Tetro II (admitted *pro hac vice*)
Mark D. Rasmussen (admitted *pro hac vice*)
CHAPMAN AND CUTLER LLP
111 W. Monroe Street
Chicago, IL 60603
Telephone: (312) 845-3000
Fax No.: (312) 845-2361
E-mail: stetro@chapman.com
mark.rasmussen@chapman.com
Attorneys for White Oak Global Advisors, LLC

SCOTT OLSON DIGGING, INC.

Dated: November 13, 2014

By 

Gary W. Schumacher
Wilkinson & Wilkinson
103 Joliet Avenue SE
Post Office Box 29
De Smet, South Dakota 57231
Telephone: (605) 854-3378
Facsimile: (605) 854-9006
Email: gary@wslawfirm.net

and

Clair R. Gerry
Gerry & Kulm Ask, Prof. LLC
507 W. 10th Street
Post Office Box 966
Sioux Falls, South Dakota 57101-0966
Telephone: (605) 336-6400
Facsimile: (605) 336-6842
Email: gerry@sgsllc.com

Attorneys for Scott Olson Digging, Inc.